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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,292	01/03/2002	Thomas Edward Cezeaux	338528008US1	8337

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EXAMINER	
SRIVASTAVA, VIVEK	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,292	CEZEAUX ET AL.	
	Examiner	Art Unit	
	Vivek Srivastava	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *39-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *39-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicants argue "Rangan fails to disclose, teach or suggest retrieving a user profile and dynamically adding interactive content information to the video based upon the profile information."

The Examiner respectfully disagrees. Rangan discloses "*Moreover, diverse additional "benefits" other than simple information can be realized (commensurate with the **user-specific individual hyperlinks***" (see col. 11 lines 17 – 26). Rangan further discloses "*Logically the **subscriber/user/viewer would be able to set** his or her hypervideo viewer **to accentuate, or to suppress, hyperlinks** in a manner that is remotely analogous to the way that cookies may by accepted or declined by a browser program during Internet browsing*" (see col. 15 lines 14 – 18). Rangan clearly discloses retrieving a user profile and dynamically adding interactive content information to the video based upon the profile information. As a result, Applicants arguments are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 51, 52 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Rangan et al (US 6,154,771).

Regarding claim 51, Ragan discloses a system which modifies a requested video by providing hyperlinks with the video. Rangan discloses a video-on-demand system (see col 21 lines 23 – 27). It is noted that Rangan discloses the claimed "receiving from a user a request to send the video to the user" which is characteristic of a video-on-demand system. Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col 11 lines 48 – 53, abstract) and transmitting the interactive hyperlinks to the user (see 11 lines 40 – 63, col. 11 lines 17 – 26, see col. 15 lines 14 – 18) based on a user profile.

Regarding claim 52, Rangan discloses hotspots or hyperlinks are provided for individual frames or during detected scene changes (see col 15 lines 40 – 57, col 9 lines 12 – 21, col 14 lines 12 – 34). As a result, Rangan discloses 'evaluating rules' as the rules equate to providing hyperlinks for the associated frames or rules equate to providing hyperlinks during scene changes.

Regarding claim 54, Ragan discloses hotspots or hyperlinks are provided for individual video frames (see col 15 lines 40 – 47). Necessarily, adding occurs on a frame-by-frame basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 39 – 44, 46, 50 and 55 – 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (US 6,154,771) in view of Markel et al (US 2002/0059629).

Regarding claims 39 and 46, Ragan discloses a system which modifies a requested video by providing hyperlinks with the video. Rangan discloses a video-on-demand system (see col 21 lines 23 – 27). It is noted that Rangan discloses the claimed "receiving from a user a request to send the video to the user" which is characteristic of a video-on-demand system. Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col 11 lines 48 – 53, abstract) and transmitting the interactive hyperlinks to the user (see 11 lines 40 – 63). Rangan still further discloses user-specific hyperlinks (see col 11 lines 16 – 25) and targeted hyperlinks (see col 11 lines 47 – 53).

Rangan fails to disclose retrieving profile information for the user and modifying the video by adding ATVEF information to the video based on the retrieved profile information of the user.

In analogous art, Markel teaches providing customized enhancement triggers according to the ATVEF compliant code according to a received profile (see para [0010], para [0030], para [0034]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan to include the claimed retrieving profile information for the user and modifying the video by adding ATVEF information to the video based on the retrieved profile information of the user for the benefit of providing hyperlinking triggers and data using a public standard which can be deployed to a variety of different devices.

Regarding claims 40, 43, and 50, Rangan discloses hotspots or hyperlinks are provided for individual frames or during detected scene changes (see col 15 lines 40 – 57, col 9 lines 12 – 21, col 14 lines 12 – 34). As a result, Rangan discloses 'evaluating rules' as the rules equate to providing hyperlinks for the associated frames or rules equate to providing hyperlinks during scene changes.

Regarding claim 41, Rangan discloses providing on-demand video (i.e. moving images) but fails to disclose the claimed movie. Official Notice is taken it would have been notoriously well known to provide movies on demand for the benefit of providing a user with a dedicated channel to watch a movie at a user's convenience. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention

was made to modify Rangan to include the claimed limitation for the benefit of providing a user with movies on demand at a user's convenience.

Regarding claim 42, Rangan further discloses dynamically adding the interactive hyperlinks to the video (see col 11 lines 48 – 53, abstract).

Regarding claim 44, the combination of Rangan and Markel teach the claimed limitations, wherein Markel teaches the claimed ATVEF information and Rangan teaches e-commerce for buying or purchasing (see col 11 lines 16 – 25).

Claims 55 – 56 are met by the above.

As to claim 57, the combination of Rangan and Markel fails to teach the claimed ATVEF information relates to descriptive information regarding the video. Official Notice is taken it would have been well known to provide hyperlinks to enable a user to get a better more detailed description of video program. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Rangan and Markel to include the claimed limitation for the benefit of getting a better more detailed description of a video program.

Claims 45 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (US 6,154,771) in view of Markel et al (US 2002/0059629) as applied to claims 39 and 46 above, and further in view of Feinleib (US 6,637,032).

Regarding claims 45 and 49, the combination of Rangan and Markel fails to disclose the claimed wherein the added ATVEF information is based on analysis of closed caption information.

In analogous art, Feinleib teaches a producer determines at which point in a program to insert the enhancing content and inserts the enhancing URL at the appropriate place in the closed captioning script (see col 7 lines 42 – 50) and embedding the supplemental enhancement data in the closed caption script. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Rangan and Markel to include the claimed adding the ATVEF information based on the analysis of the closed caption information for the benefit of helping an author for determining points in which to add ATVEF information and to enhance a video program comprising closed captioning.

Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (US 6,154,771) in view of Markel et al (US 2002/0059629), as applied to claim 46 above, and further in view of Blackletter et al (US 6,560,777).

Regarding claims 47 and 48, the combination of Rangan and Markel fails to disclose the claimed adding of ATVEF information includes modifying ATVEF information included in the received content and the claimed adding ATVEF information includes adding ATVEF to content that does not include ATVEF information as broadcast.

In analogous art, Blackletter discloses providing updated enhancement information by modifying the enhancement information transmitted (see col 2 lines 61 – 67, col 3 lines 25 – 42, col 10 lines 50 – 54, col 12 lines 8 – 12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify the enhancement data transmitted with the video in the combination of Rangan and Markel, to include the claimed adding of ATVEF information includes modifying ATVEF information included in the received content and the claimed adding ATVEF information includes adding ATVEF to content that does not include ATVEF information as broadcast for the benefit of providing a user with updated and most recent ATVEF information.

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (US 6,154,771).

Regarding claim 53, Rangan discloses providing on-demand video (i.e. moving images) but fails to disclose the claimed movie. Official Notice is taken it would have been notoriously well known to provide movies on demand for the benefit of providing a user with a dedicated channel to watch a movie at a user's convenience. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan to include the claimed limitation for the benefit of providing a user with movies on demand at a user's convenience.

Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rangan et al (US 6,154,771) in view of Feinleib (US 6,637,032).

Regarding claim 58, Rangan fails to disclose the claimed wherein the added ATVEF information is based on analysis of closed caption information.

In analogous art, Feinleib teaches a producer determines at which point in a program to insert the enhancing content and inserts the enhancing URL at the appropriate place in the closed captioning script (see col 7 lines 42 – 50) and embedding the supplemental enhancement data in the closed caption script. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rangan to include the claimed adding the ATVEF information based on the analysis of the closed caption information for the benefit of helping an author for determining points in which to add ATVEF information and to enhance a video program comprising closed captioning.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wagner (6,085,224) – Responding to hidden data and programs in a datastream

Arlein et al (6,594,656) – Trigger processing

Gadkari (US 2002/0078443) – Presentation Preemption

Zigmond et al (US 6,571,391) – Resource received from the internet

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
4/10/06

VIVEK SRIVASTAVA
PRIMARY EXAMINER